

TABLE 2 TO § 50.14—SCHEDULE FOR INITIAL NOTIFICATION AND DEMONSTRATION SUBMISSION FOR DATA INFLUENCED BY EXCEPTIONAL EVENTS FOR USE IN INITIAL AREA DESIGNATIONS

| Exceptional events/Regulatory action   | Condition  | Exceptional events deadline schedule <sup>d</sup>   |
|--|--|---|
| (A) Initial Notification deadline for data years 1, 2 and 3. <sup>a</sup>  | If state and tribal initial designation recommendations for a new/revised national ambient air quality standard are due August through January,                | then the Initial Notification deadline will be the July 1 prior to the recommendation deadline.   |
| (B) Initial Notification deadline for data years 1, 2 and 3. <sup>a</sup>  | If state and tribal recommendations for a new/revised national ambient air quality standard are due February through July,                                     | then the Initial Notification deadline will be the January 1 prior to the recommendation deadline.  |
| (C) Exceptional events demonstration submittal deadline for data years 1, 2 and 3. <sup>a</sup>  | None .....   | no later than the later of November 29, 2016 or the date that state and tribal recommendations are due to the Administrator.  |
| (D) Initial Notification and exceptional events demonstration submittal deadline for data year 4 <sup>b</sup> and, where applicable, data year 5. <sup>c</sup> | None .....   | by the last day of the month that is 1 year and 7 months after promulgation of a new/revised national ambient air quality standard, unless either paragraph (E) or paragraph (F) applies. |
| (E) Initial Notification and exceptional events demonstration submittal deadline for data year 4 <sup>b</sup> and, where applicable, data year 5. <sup>c</sup> | If the Administrator follows a 3-year designation schedule.  | the deadline is 2 years and 7 months after promulgation of a new/revised national ambient air quality standard.   |
| (F) Initial Notification and exceptional events demonstration submittal deadline for data year 4 <sup>b</sup> and, where applicable, data year 5. <sup>c</sup> | If the Administrator notifies the state/tribe that it intends to complete the initial area designations process according to a schedule between 2 and 3 years. | the deadline is 5 months prior to the date specified for final designations decisions in such Administrator notification.   |

<sup>a</sup> Where data years 1, 2, and 3 are those years expected to be considered in state and tribal recommendations.

<sup>b</sup> Where data year 4 is the additional year of data that the Administrator may consider when making final area designations for a new/revised national ambient air quality standard under the standard designations schedule.

<sup>c</sup> Where data year 5 is the additional year of data that the Administrator may consider when making final area designations for a new/revised national ambient air quality standard under an extended designations schedule.

<sup>d</sup> The date by which air agencies must certify their ambient air quality monitoring data in AQS is annually on May 1 of the year following the year of data collection as specified in 40 CFR 58.15(a)(2). In some cases, however, air agencies may choose to certify a prior year's data in advance of May 1 of the following year, particularly if the Administrator has indicated intent to promulgate final designations in the first 8 months of the calendar year. Exceptional events demonstration deadlines for "early certified" data will follow the deadlines for "year 4" and "year 5" data.

(3) *Submission of demonstrations.* (i) Except as provided under paragraph (c)(2)(vi) of this section, a State that has flagged data as being due to an exceptional event and is requesting exclusion of the affected measurement data shall, after notice and opportunity for public comment, submit a demonstration to justify data exclusion to the Administrator according to the schedule established under paragraph (c)(2)(i)(B).

(ii) [Reserved]

(iii) [Reserved]

(iv) The demonstration to justify data exclusion must include:

(A) A narrative conceptual model that describes the event(s) causing the exceedance or violation and a discussion of how emissions from the event(s) led to the exceedance or violation at the affected monitor(s);

(B) A demonstration that the event affected air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation;

(C) Analyses comparing the claimed event-influenced concentration(s) to concentrations at the same monitoring site at other times to support the requirement at paragraph (c)(3)(iv)(B) of

this section. The Administrator shall not require a State to prove a specific percentile point in the distribution of data;

(D) A demonstration that the event was both not reasonably controllable and not reasonably preventable; and

(E) A demonstration that the event was a human activity that is unlikely to recur at a particular location or was a natural event.

(v) With the submission of the demonstration containing the elements in paragraph (c)(3)(iv) of this section, the State must:

(A) Document that the State followed the public comment process and that the comment period was open for a minimum of 30 days, which could be concurrent with the beginning of the Administrator's initial review period of the associated demonstration provided the State can meet all requirements in this paragraph;

(B) Submit the public comments it received along with its demonstration to the Administrator; and

(C) Address in the submission to the Administrator those comments disputing or contradicting factual evidence provided in the demonstration.

(vi) Where the State has submitted a demonstration according to the requirements of this section after September 30, 2016 and the Administrator has reviewed such demonstration and requested additional evidence to support one of the elements in paragraph (c)(3)(iv) of this section, the State shall have 12 months from the date of the Administrator's request to submit such evidence. At the conclusion of this time, if the State has not submitted the requested additional evidence, the Administrator will notify the State in writing that it considers the demonstration to be inactive and will not pursue additional review of the demonstration. After a 12-month period of inactivity by the State, if a State desires to pursue the inactive demonstration, it must reinstate its request to exclude associated data by following the process beginning with paragraph (c)(2)(i) of this section.

#### PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 4. The authority citation for part 51 continues to read as follows: